



# UNITED STATES PATENT AND TRADEMARK OFFICE

*cll*

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/083,198	05/22/1998	VENKATARAMAN BRINGI	021653.0138	3687

21967 7590 05/23/2006

HUNTON & WILLIAMS LLP  
INTELLECTUAL PROPERTY DEPARTMENT  
1900 K STREET, N.W.  
SUITE 1200  
WASHINGTON, DC 20006-1109

EXAMINER

MARX, IRENE

ART UNIT PAPER NUMBER

1651

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/083,198

Applicant(s)

BRINGI ET AL.

Examiner

Irene Marx

Art Unit

1651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-21 and 24-72 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-21 and 24-72 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/06.

- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 1651

### DETAILED ACTION

The application and claims should be reviewed for errors.

To facilitate processing of papers at the U.S. Patent and Trademark Office, it is recommended that the Application Serial Number be inserted on every page of claims and/or of amendments filed.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/3/06 has been entered.

Claims 1-3, 6-21 and 24-72 are being examined on the merits.

#### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3, 6-21, and 24-72 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 30 are inconsistent in the recitation to "at least two of the following classes of enhancement agents". Claim 1 is directed to "enhancement agents". In addition claim 1 is directed to "jasmonate-related compounds or alkyl esters thereof", while dependent claim 30 recites jasmonic acid or an alkyl ester thereof. Clear antecedent basis is lacking.

Claims 24 - 26 lack antecedent basis for plural recitations of silver ions, complexes or compounds.

Claim 27 lacks antecedent basis for "silver" *per se*.

Claim 50 lacks antecedent basis for in claim 1 or 30 for "the medium which induces taxane production".

Claim 49 is confusing in lacking a recitation of "second" with respect to the medium.

Art Unit: 1651

Claim 42 is confusing and lacking in antecedent basis for “cells are cultured in ... medium”. Claim 1 is directed to “cultivating... in one for more nutrient media”.

Claim 51 is confusing and lacking in antecedent basis in the recitation of “wherein nutrient medium is the same for cell culture growth and for taxane production”.

Claims 58-62 lack antecedent basis for “cultured” and for “culture medium” and are confusing, and lacking in clear antecedent basis for “cultured in the presence of”. It appears that a phrase such as “wherein the one or more nutrient media further comprise” would be remedial. See, e.g., claim 35.

Claim 64 lacks antecedent basis on claim 30 for “jasmonate-related compound”.

Claim 65 is confusing in lacking the recitation of “contain” rather than “further comprise”.

Claim 66 is confusing in the recitation of “cultured in media containing”. This recitation lacks antecedent basis.

With respect to claims 11, the claim is vague and indefinite in the recitation of “in the presence of heavy metals” since it is doubted that the mere “presence” of a heavy metal in any amount is intended.

Claim 13 is vague and indefinite, lacking in antecedent basis and inconsistent in the recitation of “wherein the cells are cultured in the presence of...”. It is apparent that the material is added to the one or more culture media or that the media further comprise this material.

Claim 46 is confusing and lacking in antecedent basis for “cells are cultured in media”. Claim 1 is directed to “cultivating... in one for more nutrient media”. A phrase such as “wherein the one or more nutrient media further comprise” would be remedial. See, e.g., claim 35.

Claims 68-70 and 72 are vague and indefinite in that the amount of polyamine respectively  $\beta$ -phenylalanine added to one or more nutrient media is not set forth with sufficient particularity. It is doubted that a few molecules of the compounds will have a significant effect on the product of taxanes. Moreover, it is unclear what is intended by “growth and product formation conditions”.

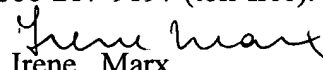
No claim is allowed.

Art Unit: 1651

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Irene Marx whose telephone number is (571) 272-0919. The examiner can normally be reached on M-F (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 .

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Irene Marx  
Primary Examiner  
Art Unit 1651